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AWms

SERIAL NUMBER 07/206,497-06/13/88 HAIR FIRST NAMED INVENTOR A ATTORNEY DOCKET NO.

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NGUYEN, H

239

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05/14/90

- ☒ This application has been examined ☒ Responsive to communication filed on 2/28/90 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 11-20 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 1-10 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 11-20 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable, ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved, ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received, ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

This objection is repeated.

2. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required. The substitute specification should also include an abstract of the disclosure provided on a separate page.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lightner'US/3718906 .

See figs. 1 and 10 and their description.

Applicant argues that Lightner does not teach or suggest "transmitting the digital signal from the first memory to the second memory" with the "second party controlling use of the second memory" and does not anticipate applicant's claimed

invention. This argument is not found to be persuasive because in the system of Lightner, since the second party makes selections of type and format of information to be duplicated to the second memory from the first memory and since the selections of the kind and format of information made by the second party would initiate the first memory to reproduce the requested kind and format of information, the second party is thus seen to control the second memory. Applicant should note that the term "control" is interpreted to mean "authority to guide or manage". Applicant further argues that applicant's claimed limitation that the step of transmitting the digital signal from the first memory to the second memory occurs "at a location determined by the second party controlling use of the second memory" while Lightner teaches and suggests that the vending machine is at location determined by the "first party" (or its agent or representative) and requires the second party to go to the location of the vending machine which is determined by the first party. This argument is not found to be persuasive because with Lightner's system even though the vending machines are "determined" by the first party as stated by applicant, the second party still has to pick which vending machine of the vending machines to use, thus the second party "determines" the location of the second memory where the digital signal is transmitted to. See col.3 line 25 through col.4 line 25.

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5. Claims 11, 14, 17, 19 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hughes'US/3990710.

See figs.1, 6, 8 and 9. and their descriptions.

6. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOA NGUYEN whose telephone number is (703) 557-4930.

Any inquiry of a general nature or relating to the status of

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this application should be directed to the Group receptionist
whose telephone number is (703) 557-2878.

HLR

HOA T. NGUYEN
Examiner, A.U. 239
May 10, 1990

Stuart S. Levy
STUART S. LEVY
SUPERVISOR, STUART S. LEVY EXAMINER
SUPERVISORY PATENT EXAMINER
ART UNIT 245
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